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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,710	12/03/2003	William Samuel Herz	NVID-077/00US 140060-2154	6902
23419 7590 06/11/2008 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 06/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,710	<b>Applicant(s)</b> HERZ, WILLIAM SAMUEL	
	<b>Examiner</b> DAQUAN ZHAO	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/9/2008 has been entered.

### ***Response to Arguments***

No argument has presented.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 and 19, 22 and 23 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. For claim 1, there's no written description for "a first set of presentation settings", "by a first user", "a second set of presentations", "by a second user", "a first set of portions" and "a second set of portions".
5. For claim 19, there's no written description for "a first user-specified display setting" and "a second user-specified display setting". Also, there's no written description for **the audio has a display setting of different ones of letterbox setting, a non-square zoom setting, a pan and scan setting, and a pillar-box setting.**
6. For claims 8 and 9, there's no written description for "during initial playback"
7. Claims 2-7, 22 and 23 are also affected.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Durden et al (US 204/0,261,099 A1).

**In regards to claim 1**, Durden et al teach an apparatus to process an audio/video program, comprising:

a preferences module configured to

coordinate specification, by a first user, of a first set of presentation settings with a first set of portions of said audio/video program and with said first user. And

coordinate specification, by a second user, of a second set of presentation settings with a second set of portions of said audio/video program and with said second user (e.g. para 112, different users can only view portions of video that has rating corresponds to their age); and

a presentation module coupled to said preferences module, said presentation module being configured to,

during subsequent playback of said audio/video program for said first user, selectively apply said first set of presentation settings to said first set of portions of said audio/video program, and selectively apply said second presentation setting to said second portion of said audio/video program (e.g. paragraph [0073]-[0076], [0084], table III and figures 2-4, teach a user's presentation profile 35 is associated with the user's display device in the CE to play or block different portions of video since different portion of video has been formulated into different rating, also see paragraph [0112]).

during subsequent playback of said audio/video program for said second user, selectively apply said second set of presentation settings to said second set of portions of said audio/video program (e.g. para 112, different users can only view portions of video that has rating corresponds to their age);

**In regards to claim 2,** Durden et al teach preferences module is configured to coordinate said specification of said first presentation setting with said first portion of said audio/video program based on a time stamp associated with said first portion of

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said audio/video program, and said preferences module is configured to coordinate said specification of said second presentation setting with second portion of audio/video program based on a time stamp associated with said second portion of said audio/video program (e.g. paragraph [0072] and figure 4, different portions of video are timestamp and have different rating).

10. Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Weaver (US 6,694,087 B1).

In regards to claim 1, Weaver teaches teach an apparatus to process an audio/video program, comprising:

a preferences module configured to

coordinate specification, by a first user, of a first set of presentation settings with a first set of portions of said audio/video program and with said first user (e.g. column 5, lines 39-64, audio attributes which includes volume and pan value are specified on a frame by frame basis, audio attributes corresponds to the setting). And

coordinate specification, by a second user, of a second set of presentation settings with a second set of portions of said audio/video program and with said second user (e.g. column 5, lines 39-64, audio attributes which includes volume and pan value are specified on a frame by frame basis, audio attributes corresponds to the setting); and

a presentation module coupled to said preferences module, said presentation module being configured to,

during subsequent playback of said audio/video program for said first user, selectively apply said first set of presentation settings to said first set of portions of said audio/video program, and selectively apply said second presentation setting to said second portion of said audio/video program (e.g. column 5, lines 51-64, during playback of the frame volume and pan values are computed for each frame, wherein “frames” corresponds to “portions” of the audio/video);

during subsequent playback of said audio/video program for said second user, selectively apply said second set of presentation settings to said second set of portions of said audio/video program (e.g. column 5, lines 51-64, during playback of the frame volume and pan values are computed for each frame, wherein “frames” corresponds to “portions” of the audio/video);

**For claim 3**, Weaver teaches at least one of said first presentation setting and said second presentation setting corresponds to one of an audio setting and a display setting (e.g. column 5, lines 39-64, volume and Pan).

**For claim 4**, Weaver teaches audio setting corresponds to one of an audio channel setting, an audio filed setting, an audio format setting, a dynamic range setting, a language setting, a pitch setting, a playback speed setting, a tone setting, and a volume setting (e.g. column 5, lines 39-64, volume and Pan).

For claim 8, Weaver teaches coordinate said specification of said first set of presentation settings with said first set of portions of said audio/video program based on

input by said first user during initial playback of said audio/video program (e.g. column 5, lines 51-64, during playback of the frame volume and pan values are computed for each frame, wherein "frames" corresponds to "portions" of the audio/video);

For claim 9, Weaver teaches coordinate said specification of said second set of presentation settings with said second set of portions of said audio/video program based on input by said second user during initial playback of said audio/video program (e.g. column 5, lines 51-64, during playback of the frame volume and pan values are computed for each frame, wherein "frames" corresponds to "portions" of the audio/video);

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (US 6,694,087 B1) as applied to claims 1, 3, 4, 8, 9 above, and further in view of Sturgeon et al (US 6,064,385).

**For claim 5**, Sturgeon et al teach display setting corresponds to one or a brightness setting, a black and white setting, a contrast setting, a color setting, a fast motion setting, a flicker setting, a gamma setting, a hue setting, a letterbox setting, a non-square zoom setting, a pan and scan setting, a pillar-box setting, a pixel blurring setting, a pixel sharpening setting, a red-eye setting, a slow motion setting and a zoom



setting (e.g. figure 5B, column 8, lines 51-65). It would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated the teaching of Sturgeon et al into the teaching of Weaver to allow the user effectively preview the setting in a display box (Sturgeon et al, column 8, lines 51-65).

**For claim 6**, Sturgeon et al teach preferences module is configured to coordinate storage of said second presentation setting for said second portion of said audio/video program (e.g. column 4, lines 20-30, and abstract, persistent medium).

**For claim 7**, Sturgeon et al teach a memory coupled to said preferences modules and said presentation module, aid memory being configured to stored said first presentation setting (e.g. column 4, lines 20-30, and abstract, persistent medium).

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (US 6,694,087 B1) as applied to claims 1, 3, 4, 8, 9,10, 19, 20, 22 above, and further in view of Durden et al (US 2004/ 0,261,099 A1).

**For claim 2**, Weaver fails to teach a time stamp. Durden et al teach a time stamp (paragraph [0072]). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Durden et al into the teaching of Weaver for user to easily modify the video.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/  
Examiner, Art Unit 2621  
Daquan Zhao

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621